

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 29th day of August of 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Comptent Application No. 27 of 2001

IN

Orginal Application No. 301 of 1992.

Pramod Kumar Saxena S/o Sri Gopal Saran Saxena
C/o Sri Shyam Bahadur Saxena R/o 4, Bukharpura,
Old City, Bareilly.

.....Applicant.

Counsel for the applicant :- Sri A.K. Sinha

V E R S U S

1. V.K. Garg, General Manager, N.E. Rly, Gorakhpur.
2. V.K. Bhargawa, Divisional Railway Manager,
N.E. Railway, Izzatnagar, Bareilly.
3. Sukhveer Singh, Sr. Divisional Personnel Officer,
N.E. Railway, Izzatnagar, Bareilly.

.....Opposite Parties.

Counsel for the opposite parties :- Sri D. Awasthi

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 17 of the
Administrative Tribunals Act, 1985, applicant has requested
to punish the respondents for non-compliance of the order
of this Tribunal and for committing contempt. The grievance
of the applicant is that order dated 28.09.2000 passed in
O.A No. 301/1992 has not been complied with. Operative part
of the aforesaid ^{order} reads as under :-

✓


" The application is accordingly disposed of finally with the direction that the applicant shall be given consequential benefits, which have been given to his immediate junior Sri Shivrash Kumar (respondent No.7)."

2. In pursuance of the said order, respondents have passed the order dated 20.06.2001 filed as annexure- 1 to the CA, towards the compliance of the order of this Tribunal.

3. Sri A.K. Sinha, learned counsel appearing for the applicant, however, expressed dis-satisfaction against the order and has submitted that applicant was entitled for arrears of salary also w.e.f 16.02.1990 which has not been given, from which date, applicant has been granted proforma promotion. It is submitted that the order of This Tribunal has not been complied with.

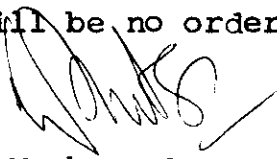
4. We have considered ~~all~~ these aspects of the matter. However, we do not agree with the submission made by the learned counsel for the applicant. The order of the Tribunal ~~does~~ not specify the nature and extent of the consequential benefits. The matter was left to the

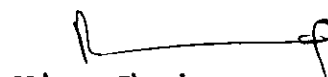
discretion of the authorities. It is also one of the modes ^{for giving} consequential benefits, ^{by} providing proforma promotion from the particular date without arrears of salary as the applicant has not worked on the promotional post. In the facts and circumstances, it is difficult to say that the respondents have committed contempt of this Tribunal. It has also been pointed out that the applicant in his application dt. 22.11.2000 filed as annexure-2, only claimed for proforma fixation of pay and seniority as Head clerk. Thus the applicant was very well aware that he is entitled only for proforma fixation and not for arrears.



5. The second submission of learned counsel for the applicant is that his claims for promotion to Senior Clerk and Head Clerk have not been considered. For this submission, learned counsel for the respondents has submitted that the matter is under consideration and he shall be considered for promotion to the higher post^u very soon. Learned counsel for the applicant on the other hand has submitted that order dated 20.06.2001 has been passed after about nine months and if long time is taken for compliance of the second part of the consequential benefits, applicant shall suffer irreparable loss^a and injury. In order to avoid delay, Sri Awasthi, learned counsel for the respondents has submitted that the steps shall be concluded expeditiously in any case, within four months from the date a copy of this order is produced before the competent authority. In view of the aforesaid statement, in our opinion, no further consideration is required in this contempt application. Application is rejected and notices issued to the respondents are discharged.

6. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/